GAMETEK LLC V. FACEBOOK, INC., ET AL. CASE NO.: 3:12-cv-501-BEN-RBB JOINT CLAIM CONSTRUCTION CHART FOR U.S. PATENT NO. 7,076,445

Claim Language	Plaintiff	Defendants
1. A method of managing the operation of a game	gaming action: Ordinary meaning; no	gaming action: "the user's playing of
which includes a game environment, and is	construction necessary. Alternatively,	the game" ¹
programmed to control a gaming action for at least	acts, activities or things done that are part	
one of a plurality of users, said managing method	of the game	'445 Patent at Abstract, Fig 2, Fig 4A;
using a programmed computer to effect the following		col. 1:54-2:8; 2:25-27; 5:13-17; 5:30-
steps: a) tracking the activity of the at least one user in	Action – A thing done. Webster's Third	38; 8:20-31; Claims 2 - 4, 6, 7, 9, 10,
the course of the gaming action; b) permitting the at	New International Dictionary	11, 12.
least one user to create an account for receiving a		
consideration of the at least one user, the at least	Action – activity; act; deed; the accomplishment of a thing. The	'445 Prosecution History, 9/26/00
one user having a set of demographics; c)	Merriam-Webster Dictionary	Petition to Make Special, pp. 2-3;
determining the eligibility of the at least one user to	Wester Dietonary	11/13/01 Reconsideration for Petition
purchase at least one of a plurality of game objects,	Action – Deed or Act; The Oxford	to Make Special, pp. 2-4;
said eligibility determining comprises the following	American Desk Dictionary and	6/17/02 Amendment & Response, p.
sub steps: i) permitting the at least one user to select	Thesaurus Second Edition	10, 12; 6/17/02 Amendment &
the at least one game object, ii) setting the purchase	A stient the manner of deine constitue.	Response, p. 10, 12; 6/9/03
price of the at least one game object, and iii)	Action – the process of doing something; a thing done. Oxford American	Appellant's Brief, pp. 2-3; 9/4/03
comparing the account balance of the at least one	Dictionary; Heald Colleges Edition	Examiner's Answer, pp.5-6; 9/7/04
user's consideration with the set price of the at least	Biotionally, fronta conteges Edition	Reply, pp.10-21; 10/6/05 Examiner
one game object and, determining if the balance of the	Action – the state or process of acting or	Interview Summary; 11/10/05
user's consideration is not less than the set price,	doing; an act or deed. New College	Amendment pp. 1-11; 12/30/05
determining the at least one user to be eligible to	Edition, The American heritage	Examiner's Reason's for Allowance,
purchase the at least one game object; d) displaying	Dictionary of the English Language	pp. 1-7.

Defendant RockYou, Inc. reserves the right to argue that "gaming action" is indefinite in light of its usage in at least claims 9 and 10.

Claim Language	Plaintiff	Defendants
in the game environment a purchase price of the at	Action – the doing of something; a thing	
least one game object; e) presenting to the at least one	done. Webster's New World Dictionary, Completely new Edition	permitting the at least one user to
user an offer to purchase the game object dependent	Completely new Edition	create an account for receiving a
upon a group of game parameters comprising the	Action – a thing accomplished.	consideration of the at least one
tracked activity of the at least one gaming action of	Webster's New Collegiate Dictionary	user, the at least one user having a
the at least one user and, the one game environment or		set of demographics: "permitting the
the one set of demographics of the least one user f)	'445 Patent: Fig 2, Fig 4A; Col. 1:54-2:8;	at least one user to create an account
permitting the at least one user to purchase the at	2:25-27; 5:30-38; 8:20-31; Claims 2 - 4,	for storing a consideration balance,
least one game object at the set purchase price	6, 7, 9, 10, 11, 12.	where the account maintains two or
without interrupting the gaming action of the at		more types of user characteristics
least one user; and g) supplying the at least one	'445 File History: 11/12/04 Office	(such as age or income) that associate
purchased game object to the at least one user	Action, pp. 207; 3/9/05 Amendment, p.	the account with one or more
without interrupting the gaming action of the at	5; 5/20/05 Office Action, pp. 4-8;	consumer markets"
least one user and incorporating the game object into	11/10/05 Amendment pp. 1-11; 12/30/05	
the game.	Examiner's Reason's for Allowance, pp.	'445 Patent at Abstract, Fig 1B, Fig 2,
	1-7.	Fig 3, Fig 4, fig 4A, fig 5, col. 1:17-
		26; 1:30-2:46; 2:60-3:20; 4:58-5:2;
	permitting the at least one user to	5:13-17; 5:30-38; 6:12-15; 7:8-11;
	create an account for receiving a	7:62-10:36, Claims 14, 16, 18, 19.
	consideration of the at least one user,	
	the at least one user having a set of	
	demographics: See below re	'445 Prosecution History, 9/26/00
	"consideration," "set of demographics"	Petition to Make Special, pp. 2-3;
	and "demographics." Otherwise, ordinary	11/13/01 Reconsideration for Petition
	meaning; no construction necessary.	to Make Special, pp. 2-4;
		6/17/02 Amendment & Response, p.
	Demographic: a section of the population	10, 12; 2/7/03 Amendment &
	sharing common characteristics, such as	Response, p. 6; 3/18/03 Office Action,

Claim Language	Plaintiff	Defendants
	age, sex, class, etc. Collins English Dictionary at http://www.collinsdictionary.com/diction ary/english/demographic	
	Demographic: A demographic group: a collection of people sharing a value for a certain demographic criterion. Wiktionary at http://en.wiktionary.org/wiki/demographic	12/30/05 Examiner's Reason's for
	Demographic: a statistic characterizing human populations (or segments of human populations broken down by age or sex or income etc.). Vocabulary.com at http://www.vocabulary.com/dictionary/demographic	WEBSTER'S II NEW COLLEGE DICTIONARY (2001) "demographics": "n. pl. in number). Demographic data use esp. to identify consumer markets."
	'445 Patent: Fig 1B, Fig 2, Fig 3, Fig 4, Fig 4A, Fig 5, Col. 1:17-26; 1:30-2:46; 2:60-3:25; 4:58-5:2; 5:30-38; 6:12-15; 6:27-54; 7:8-11; 7:42-44; 7:62-10:36, Claims 14, 16, 18, 19.	THE AMERICAN HERITAGE COLLEGE DICTIONARY (2000) "demographics": "The characteristics of human populations and population segments, esp. when used to
	'445 File History: 11/12/04 Office Action, pp. 207; 3/9/05 Amendment, p. 5; 5/20/05 Office Action, pp. 4-8; 11/10/05 Amendment pp. 1-11; 12/30/05 Examiner's Reason's for Allowance, pp.	identify consumer markets." WEBSTER'S COLLEGE DICTIONARY (1996) "demographics": "the statistical data of a population, esp. those

Claim Language	Plaintiff	Defendants
	1-7.	showing average age, income,
		education, etc."
	the at least one user having a set of	
	demographics: The at least one user has	the at least one user having a set of
	a set of characteristics such as age, sex,	demographics: "the account
	etc.	maintains two or more types of user
		characteristics (such as age or income)
	See dictionary definitions of	that associate the account with one or
	"demographic" above.	more consumer markets"
	'445 Patent at Abstract, Fig 1B, Fig 2,	'445 Patent at Abstract, Fig 1B, Fig2,
	Fig 3, fig 4, Fig 4A, Fig 5; Col. 1:17-26;	Fig 3, fig 4, Fig 4A, Fig5; col. 1:17-
	1:30-2:46; 2:60-3:25; 3:45-64; 4:58-5:2;	26; 1:30-2:46; 2:60-3:20; 3:45-64;
	5:30-38; 6:12-15; 6:27-54; 7:8-11; 7:62-	4:58-5:2; 5:13-17; 5:30-38; 6:12-15;
	10:36, Claims 14, 16, 18, 19.	6:27-54; 7:8-11; 7:62-10:36, Claims
		14, 16, 18, 19
	'445 File History: 11/12/04 Office	
	Action, pp. 207; 3/9/05 Amendment, p.	'445 Prosecution History, 10/6/05
	5; 5/20/05 Office Action, pp. 4-8;	Examiner Interview Summary;
	11/10/05 Amendment pp. 1-11; 12/30/05	11/10/05 Amendment pp. 1-11;
	Examiner's Reason's for Allowance, pp.	12/30/05 Examiner's Reason's for
	1-7.	Allowance, pp. 1-7.
	the one set of demographics: see	WEBSTER'S II NEW COLLEGE
	construction of "the at least one user	DICTIONARY (2001)
	having a set of demographics," above	"demographics": "n. pl. in
		number). Demographic data use
	purchase: To obtain using various	esp. to identify consumer

Claim Language	Plaintiff	Defendants
	currency means, including credit cards, e-cash, e-gold, other Internet enabled	markets."
	currency, and secondary monetary sources, such as, charges to phone or utility bill, transferring credit on pre-paid phone cards, or transit passes, or through	THE AMERICAN HERITAGE COLLEGE DICTIONARY (2000) "demographics": "The characteristics of human
	conventional payment methods, such as checks, money-orders or cash.	populations and population segments, esp. when used to identify consumer markets."
	Purchase – to obtain in exchange for money or its equivalent; buy; the act of buying. The American Heritage Dictionary of the English Language, new College Edition	
	Purchase – To obtain by paying money or its equivalent. The Merriam-Webster Dictionary	showing average age, income, education, etc."
	Purchase – To obtain by paying money or its equivalent; buy. Webster's New Collegiate Dictionary (1979)	the one set of demographics: see construction of "the at least one user having a set of demographics," above
	Purchase – To obtain by paying money or its equivalent; to buy for a price; as, to purchase land, or a house. Webster's Revised Unabridged Dictionary at http://machaut.uchicago.edu/?resource=	J 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Webster%27s&word=purchase&use1913 =on	'445 Patent at Abstract, Fig 1B, Fig2, Fig 3, fig 4, Fig 4A, Fig5; col. 1:17-

Claim Language	Plaintiff	Defendants
	Purchase - to acquire by the payment of	26; 1:30-2:46; 2:60-3:25; 3:27-33;
	money or its equivalent; buy.	3:45-64; 4:58-5:2; 5:13-17; 5:30-38;
	Dictoinary.com at	6:27-54; 7:8-11; 7:42-44; 7:62-10:36,
	http://dictionary.reference.com/browse/p urchase	Claims 14, 16, 18, 19.
		'445 Prosecution History, 6/17/02
	'445 Patent: Fig 1B, Fig 2, Fig 3, Fig 4,	Amendment & Response, p. 10, 12;
	Fig 4A, Fig 5; Col. 1:17-26; 1:30-2:46;	3/18/03 Office Action, pp. 4-5; 6/9/03
	2:50-3:64; 4:58-5:2; 5:23-38; 5:51-6:54;	Appellant's Brief, pp. 2-3;
	7:8-11; 7:42-48; 7:62-10:53, Claims 14,	9/4/03 Examiner's Answer, pp.5-6;
	16, 18, 19.	9/7/04 Reply, pp.10-21; 11/12/04
		Office Action, pp. 2, 5; 10/6/05
	'445 File History: 11/12/04 Office	Examiner Interview Summary;
	Action, pp. 207; 3/9/05 Amendment, p.	11/10/05 Amendment pp. 1-11;
	5; 5/20/05 Office Action, pp. 4-8;	12/30/05 Examiner's Reason's for
	11/10/05 Amendment pp. 1-11; 12/30/05	Allowance, pp. 1-7.
	Examiner's Reason's for Allowance, pp.	
	1-7.	account: the same account created in
		elements 1(b), 15(b), and 17(c),
	U.S. Patent Nos. 5,624,316; 6,036,601;	respectively
	6,119,229; 6,616,533 and 6,928,414.	
		consideration: "real or virtual
	account: Ordinary meaning; no	currency or equivalents usable for in-
	construction necessary.	game transactions"
	U.S. Patent Nos. 5,624,316; 6,036,601;	'445 Patent at Abstract, Fig 1B, Fig 2,
	6,119,229; 6,616,533 and 6,928,414.	Fig 3, Fig 4,, fig 4A, fig 5, col. 1:17-26; 1:30-2:46; 2:60-3:20; 4:58-5:2;

Claim Language	Plaintiff	Defendants
	consideration: That which is used to	5:13-17; 5:30-38; 6:27-54; 7:8-11;
	make a purchase within the game. See	7:62-10:36, Claim 14, 16, 18, 19
	above re purchase.	
	'445 Patent: Fig 1B, Fig 2, Fig 3, Fig 4,	'445 Prosecution History, 6/17/02
	Fig 4A, Fig 5; Col. 1:17-26; 1:30-2:46;	Amendment & Response, p. 10, 12;
	2:50-3:64; 4:58-5:2; 5:23-38; 5:51-6:54;	3/18/03 Office Action, pp. 4-5;
	7:8-11; 7:42-48; 7:62-10:53, Claims 14,	6/9/03 Appellant's Brief, pp. 2-3;
	16, 18, 19.	9/4/03 Examiner's Answer, pp.5-6;
		9/7/04 Reply, pp.10-21; 11/12/04
	'445 File History: 11/10/05 Amendment	Office Action, pp. 2, 5; 10/6/05
	pp. 1-11; 5/20/05 Office Action, pp. 4-8;	Examiner Interview Summary;
	12/30/05 Examiner's Reason's for	11/10/05 Amendment pp. 1-11;
	Allowance, pp. 1-7.	12/30/05 Examiner's Reason's for
		Allowance, pp. 1-7.
	U.S. Patent Nos. 5,624,316; 6,036,601;	
	6,119,229; 6,616,533 and 6,928,414.	permitting the at least one user to
		purchase the at least one game
	permitting the at least one user to	object without interrupting the
	purchase the at least one game object .	gaming action of the at least one
	without interrupting the gaming	user: "permitting a user to purchase a
	action of the at least one user: See	game object without causing or
	above re "purchase" and "gaming action"	making a break in the user's ability to
	and see below re "interrupting."	continue playing the game"
	Otherwise, ordinary meaning; no	
	construction necessary.	'445 Patent at Abstract, Fig2, Fig3,
		Fig 4, fig 4A, fig 5; col. 1:30-2:46;
	See dictionary definitions above for	2:50-3:44; 3:54-58; 5:30-38; 5:51-

Claim Language	Plaintiff	Defendants
	"action" and below for "interrupting."	6:26; 6:44-47; 7:62-10:36.
	'445 Patent: Fig 1B, Fig 2, Fig 3, Fig 4,	'445 Prosecution History, 9/26/00
	Fig 4A, Fig 5; Col. 1:17-26; 1:30-2:46;	Petition to Make Special, pp. 2-3;
	2:50-3:64; 4:31-33; 4:58-5:2; 5:23-38;	11/13/01 Reconsideration for Petition
	5:51-6:54; 7:8-11; 7:42-48; 7:62-10:53,	to Make Special, pp. 2-4;
	Claims 14, 16, 18, 19.	6/17/02 Amendment & Response, p.
		10, 12; 6/17/02 Amendment &
	'445 File History: 11/12/04 Office	Response, p. 10, 12; 6/9/03
	Action, pp. 207; 3/9/05 Amendment, p.	Appellant's Brief, pp. 2-3; 9/4/03
	5; 5/20/05 Office Action, pp. 4-8;	Examiner's Answer, pp.5-6; 9/7/04
	11/10/05 Amendment pp. 1-11; 12/30/05	Reply, pp.10-21; 10/6/05 Examiner
	Examiner's Reason's for Allowance, pp.	Interview Summary; 11/10/05
	1-7.	Amendment pp. 1-11; 12/30/05
		Examiner's Reason's for Allowance,
	U.S. Patent Nos. 5,624,316; 6,036,601;	pp. 1-7.
	6,119,229; 6,616,533 and 6,928,414.	
		WEBSTER'S II NEW COLLEGE
	interrupting: Ordinary meaning; no	DICTIONARY (2001) "interrupt":
	construction necessary. Alternatively,	"1. To break the harmony or
	ceasing or stopping for a period of time	continuity of."
	U.S. Patent Nos. 5,624,316; 6,036,601;	
	6,119,229; 6,616,533 and 6,928,414.	COLLEGE DICTIONARY (2000)
	Interrupt - to break off or cause to cease,	"interrupt": "To break the
	as in the middle of something.	continuity or uniformity of."
	Dictionary.com at	
	http://dictionary.reference.com/browse/in	WEBSTER'S COLLEGE

Claim Language	Plaintiff	Defendants
	terrupt?s=b	DICTIONARY (1996) "interrupt":
		"1. to cause or make a break in
	Interrupt - to cause to stop; break off. The Words myth English Dictionary-	the continuity or uniformity of (a
	The words fryth English Dictionary-	course, process, condition, etc.)."
	http://www.wordsmyth.net/?ent=interrup t Interrupt – to make something stop for a period of time to make something stop for a period of time. McMillan Dictionary at http://www.macmillandictionary.com/dic tionary/american/interrupt Interrupt - to stop or cause something to stop for a period of time. Webster's New World College Dictionary, 4th Ed., at	U.S. Patent App. 10/418,815, 3/4/10 Office Action at p. 3; 8/4/10 Response to Office Action at pp. 8-9. interrupting: "causing or making a break in the user's ability to continue" '445 Patent at Abstract, Fig2, Fig3, Fig 4, fig 4A, fig 5; col. 1:30-2:46; 2:50-3:44; 3:54-58; 5:30-38; 5:51-6:26; 6:44-47; 7:62-10:36.
	http://www.yourdictionary.com/interrupt Interrupt - to cease to perform (some action). Collins English Dictionary at http://www.collinsdictionary.com	'445 Prosecution History, 9/26/00 Petition to Make Special, pp. 2-3; 11/13/01 Reconsideration for Petition to Make Special, pp. 2-4;
	'445 Patent: Fig 2, Fig 3, Fig 4, Fig 4A, Fig 5; Col. 1:30-2:46; 2:50-3:44; 3:54-58; 4:31-33; 5:30-38; 5:51-6:26; 6:44-47; 7:62-10:36. '445 File History: 11/12/04 Office	6/17/02 Amendment & Response, p. 10, 12; 6/9/03 Appellant's Brief, pp. 2-3; 9/4/03 Examiner's Answer, pp.5- 6; 9/7/04 Reply, pp.10-21; 10/6/05 Examiner Interview Summary; 11/10/05 Amendment pp.
	Action, pp. 207; 3/9/05 Amendment, p.	1-11; 12/30/05 Examiner's Reason's

Claim Language	Plaintiff	Defendants
	5; 5/20/05 Office Action, pp. 4-8;	for Allowance, pp. 1-7.
	11/10/05 Amendment pp. 1-11; 12/30/05	
	Examiner's Reason's for Allowance, pp.	WEBSTER'S II NEW COLLEGE
	1-7.	DICTIONARY (2001) "interrupt":
		"1. To break the harmony or
	U.S. Patent Nos. 5,624,316; 6,036,601;	continuity of."
	6,119,229; 6,616,533 and 6,928,414.	
		THE AMERICAN HERITAGE
	interrupting the gaming action of the	COLLEGE DICTIONARY (2000)
	at least one user: Ordinary meaning; no	"interrupt": "To break the
	construction necessary. Alternatively, interrupting (see above re interrupting)	continuity or uniformity of."
	the gaming action (see above re gaming	
	action) while the user is interacting with	WEBSTER'S COLLEGE
	the game.	DICTIONARY (1996) "interrupt":
		"1. to cause or make a break in
	See dictionary definitions above for	the continuity or uniformity of (a
	"interrupt" and "action."	course, process, condition, etc.)."
	'445 Patent: Fig 2, Fig 3, Fig 4, Fig 4A,	U.S. Patent App. 10/418,815, 3/4/10
	Fig 5; Col. 1:30-2:46; 2:50-3:44; 3:54-	Office Action at p. 3; 8/4/10 Response
	58; 4:31-33; 5:30-38; 5:51-6:26; 6:44-47;	to Office Action at pp. 8-9.
	7:62-10:36.	
		interrupting the gaming action of
	'445 File History: 11/12/04 Office	the at least one user: "causing or
	Action, pp. 207; 3/9/05 Amendment, p.	making a break in the user's ability to
	5; 5/20/05 Office Action, pp. 4-8;	continue playing the game"
	11/10/05 Amendment pp. 1-11; 12/30/05	
	Examiner's Reason's for Allowance, pp.	'445 Patent at Abstract, Fig2, Fig3,

Claim Language	Plaintiff	Defendants
	1-7.	Fig 4, fig 4A, fig 5; col. 1:30-2:46;
		2:50-3:44; 3:54-58; 5:30-38; 5:51-
	U.S. Patent Nos. 5,624,316; 6,036,601;	6:26; 6:44-47; 7:62-10:36.
	6,119,229; 6,616,533 and 6,928,414.	
		'445 Prosecution History, 9/26/00
	supplying the at least one purchased	Petition to Make Special, pp. 2-3;
	game object to the at least one user	11/13/01 Reconsideration for Petition
	without interrupting the gaming action	to Make Special, pp. 2-4;
	of the at least one user: See "purchase,"	6/17/02 Amendment & Response, p.
	"gaming action," "interrupting," and	10, 12; 6/9/03 Appellant's Brief, pp.
	"interrupting the gaming action of the at	2-3; 9/4/03 Examiner's Answer, pp.5-
	least one user" above. Otherwise,	6; 9/7/04 Reply, pp.10-21;
	ordinary meaning; no construction	10/6/05 Examiner Interview
	necessary.	Summary; 11/10/05 Amendment pp.
		1-11; 12/30/05 Examiner's Reason's
	See dictionary definitions above for	for Allowance, pp. 1-7.
	"action" and "interrupt."	
		WEBSTER'S II NEW COLLEGE
	'445 Patent: Fig 2, Fig 3, Fig 4, Fig 4A,	DICTIONARY (2001) "interrupt":
	Fig 5; Col. 1:30-2:46; 2:50-3:44; 3:54-	"1. To break the harmony or
	58; 4:31-33; 5:30-38; 5:51-6:26; 6:44-47;	continuity of."
	7:62-10:36.	
		THE AMERICAN HERITAGE
	'445 File History: 11/12/04 Office	COLLEGE DICTIONARY (2000)
	Action, pp. 207; 3/9/05 Amendment, p.	"interrupt": "To break the
	5; 5/20/05 Office Action, pp. 4-8;	continuity or uniformity of."
	11/10/05 Amendment pp. 1-11; 12/30/05	
	Examiner's Reason's for Allowance, pp.	WEBSTER'S COLLEGE

Claim Language	Plaintiff	Defendants
	1-7.	DICTIONARY (1996) "interrupt":
		"1. to cause or make a break in
	U.S. Patent Nos. 5,624,316; 6,036,601;	the continuity or uniformity of (a
	6,119,229; 6,616,533 and 6,928,414.	course, process, condition, etc.)."
	order of claim elements: There is no	U.S. Patent App. 10/418,815, 3/4/10
	requirement that steps need to be	Office Action at p. 3; 8/4/10 Response
	performed in any particular order, except	to Office Action at pp. 8-9.
	that, as a matter of common sense: (1)	
	activity must be tracked before there is	supplying the at least one purchased
	an offer to purchase a game object	game object to the at least one user
	dependent upon a group of game	without interrupting the gaming
	parameters comprising the tracked	action of the at least one user:
	activity; (2) an account must be created	"supply the game object to the user
	before an account balance can be	without causing or making a break in
	compared; (3) a user must have a set of	the user's ability to continue playing
	demographics before there can be an	the game"
	offer to purchase a game object	
	dependent upon a group of game	'445 Patent at Abstract, Fig2, Fig3,
	parameters comprising the set of	Fig 4, fig 4A, fig 5; col. 1:30-2:46;
	demographics; (4) a purchase price for a	2:50-3:44; 3:54-58; 5:30-38; 5:51-
	game object must be set before it can be	6:26; 6:44-47; 7:62-10:36.
	compared, displayed, an offer to	
	purchase presented, or a purchase made,	'445 Prosecution History, 9/26/00
	or before an offer to purchase a game	Petition to Make Special, pp. 2-3;
	object can be presenting to a user	11/13/01 Reconsideration for Petition
	dependent upon the indication that the	to Make Special, pp. 2-4;
	one user has sufficient consideration in	6/17/02 Amendment & Response, p.

Claim Language	Plaintiff	Defendants
Claim Language	its account to purchase the selected game object at the set price, or before permitting a user to purchase a game object at a set price; (5) a user must have consideration before it can be compared; and (6) a game object must exist at the time it is supplied and incorporated into a game.	10, 12; 6/17/02 Amendment & Response, p. 10, 12; 6/9/03 Appellant's Brief, pp. 2-3; 9/4/03 Examiner's Answer, pp.5-6; 9/7/04 Reply, pp.10-21; 11/12/04 Office Action, pp. 2, 5; 10/6/05 Examiner Interview Summary; 11/10/05 Amendment pp. 1-11; 12/30/05 Examiner's Reason's for Allowance, pp. 1-7 WEBSTER'S II NEW COLLEGE DICTIONARY (2001) "interrupt": "1. To break the harmony or continuity of." THE AMERICAN HERITAGE COLLEGE DICTIONARY (2000) "interrupt": "To break the continuity or uniformity of." WEBSTER'S COLLEGE DICTIONARY (1996) "interrupt": "1. to cause or make a break in
		DICTIONARY (1996) "interrupt":

Claim Language	Plaintiff	Defendants
		Office Action at p. 3; 8/4/10 Response
		to Office Action at pp. 8-9.
		order of claim elements: The claims
		require all the steps to be performed in
		order.
2. The method of claim 1, wherein the gaming	gaming action: see above	gaming action: see above
environment comprises a video game that generates a		
series of background images, and the at least one	order of claim elements: See Claim 1	order of claim elements: The claims
selected game object is directed to act in accordance	above. Otherwise, there is no	require all the steps to be performed in
with the gaming action of the at least one user	requirement that steps need to be	order.
throughout the series of background images.	performed in any order	
9. The method of claim 1, wherein the gaming action	gaming action: see above	gaming action: see above
comprises the at least one user and the at least one		
game object that is programmed to give an advantage	order of claim elements: See Claim 1	order of claim elements: The claims
to the at least one user.	above. Otherwise, there is no	require all the steps to be performed in
	requirement that steps need to be	order.
	performed in any order	
10. The method of claim 1, wherein the gaming	gaming action: see above	gaming action: see above
action is selected from a group comprising at least one	SS we take the same and	Surrend morrons and make
of a plurality of fighting engagements on a battlefield,	order of claim elements: See Claim 1	order of claim elements: The claims
one fighting engagement using weaponry, one	above. Otherwise, there is no	require all the steps to be performed in
engagement in a sport, at least one marketing of pizza,	requirement that steps need to be	order.
at least one user playing a role in a game environment,	performed in any order	
and/or at least one user firing a weapon.		

Claim Language	Plaintiff	Defendants
15. A method of managing the operation of a game	gaming action: see above	gaming action: see above
which includes a game environment, and is		
programmed to control a gaming action of at least	creating an account for the at least one	creating an account for the at least
one of a plurality of users, said managing method	user for maintaining a balance of the	one user for maintaining a balance
using a programmed computer to effect the following	at least one user: Ordinary meaning; no	of the at least one user: "creating an
steps: a) tracking the activity of the at least one user in	construction necessary.	account for storing a consideration
the course of the gaming action; b) creating an		balance of the at least one user"
account for the at least one user for maintaining a	'445 Patent: Fig 1B, Fig2, Fig 3, fig 4,	
balance of the at least one user ; c) enabling the at	Fig 4A, Fig5; Col. 1:17-26; 1:30-2:46;	'445 Patent at Abstract, Fig 1B, Fig2,
least one user to select at least one of a plurality of	2:60-3:25; 3:27-33; 3:45-64; 4:58-5:2;	Fig 3, fig 4, Fig 4A, Fig5; col. 1:17-
game objects; d) setting the purchase price of the at	5:30-38; 6:27-54; 7:8-11; 7:42-48; 7:62-	26; 1:30-2:46; 2:60-3:25; 3:27-33;
least one game object; e) comparing the account	10:36, Claims 14, 16, 18, 19.	3:45-64; 4:58-5:2; 5:13-17; 5:30-38;
balance with the set price of the at least one game		6:27-54; 7:8-11; 7:42-44; 7:62-10:36,
object and, determining if the user's account balance	'445 File History: 11/10/05 Amendment	Claims 14, 16, 18, 19.
is not less than the set price, then the at least one user	pp. 1-11; 5/20/05 Office Action, pp. 4-8;	
is eligible to purchase the one selected game object;	12/30/05 Examiner's Reason's for	'445 Prosecution History, 9/26/00
f) presenting to the at least one user an offer to	Allowance, pp. 1-7.	Petition to Make Special, pp. 2-3;
purchase the game object dependent upon a group of		11/13/01 Reconsideration for Petition
game parameters comprising the tracked activity of	U.S. Patent Nos. 5,624,316; 6,036,601;	to Make Special, pp. 2-4;
the at least one user, and an indication of whether the	6,119,229; 6,616,533 and 6,928,414.	6/17/02 Amendment & Response, p.
at least one user has made a commitment of		10, 12; 3/18/03 Office Action, pp. 4-5;
consideration to purchase the one selected game	purchase: see above	6/9/03 Appellant's Brief, pp. 2-3;
object; g) ordering the at least one selected game		9/4/03 Examiner's Answer, pp.5-6;
object without interrupting the gaming action of	account: see above	9/7/04 Reply, pp.10-21;
the at least one user; and h) supplying the selected		11/12/04 Office Action, pp. 2, 5;
one game object to the at least one user without	ordering: Ordinary meaning, no	10/6/05 Examiner Interview
interruption of the gaming action of the at least one	construction necessary.	Summary; 11/10/05 Amendment pp.
user and incorporating the game object into the game.		1-11; 12/30/05 Examiner's Reason's

Claim Language	Plaintiff	Defendants
	'445 Patent: Fig 1B, Fig2, Fig 3, fig 4,	for Allowance, pp. 1-7.
	Fig 4A, Fig5; Col. 1:17-26; 1:30-2:46;	
	2:50-64; 4:58-5:2; 5:23-38; 5:51-6:54;	purchase: see above
	7:8-11; 7:42-48; 7:62-10:36, Claims 14,	
	16, 18, 19.	account: see above
	'445 File History: 11/10/05 Amendment	ordering: "the system placing an
	pp. 1-11; 5/20/05 Office Action, pp. 4-8;	order for an object from a third party"
	12/30/05 Examiner's Reason's for	
	Allowance, pp. 1-7.	'445 Patent at Abstract, Fig 1B, Fig2,
		Fig 3, fig 4, Fig 4A, Fig5; col. 1:17-
	U.S. Patent Nos. 5,624,316; 6,036,601;	26; 1:30-2:46; 2:60-3:25; 3:27-33;
	6,119,229; 6,616,533 and 6,928,414.	3:45-64; 4:58-5:2; 5:13-17; 5:30-38;
		6:27-54; 7:8-11; 7:42-44; 7:62-10:36,
	at least one user has made a	Claims 14, 16, 18, 19.
	commitment of consideration: The user	
	has agreed to exchange consideration to	
	purchase the selected game object. See	'445 Prosecution History, 9/26/00
	above re "consideration" and "purchase."	Petition to Make Special, pp. 2-3;
		11/13/01 Reconsideration for Petition
	See dictionary definitions above re	to Make Special, pp. 2-4;
	"purchase."	6/17/02 Amendment & Response, p.
		10, 12; 6/17/02 Amendment &
	consideration: see above	Response, p. 10, 12; 3/18/03 Office
		Action, pp. 4-5; 6/9/03 Appellant's
	ordering the at least one selected game	Brief, pp. 2-3; 9/4/03 Examiner's
	object without interrupting the gaming	Answer, pp.5-6; 9/7/04 Reply, pp.10-
	action of the at least one user: See	21; 11/12/04 Office Action, pp. 2,

Claim Language	Plaintiff	Defendants
	"action," "gaming action" and	5;10/6/05 Examiner Interview
	"interrupting" above. Otherwise,	Summary; 11/10/05 Amendment pp.
	ordinary meaning; no construction	1-11; 12/30/05 Examiner's Reason's
	necessary.	for Allowance, pp. 1-7.
	'445 Patent: Fig2, Fig3, Fig 4, fig 4A, fig	at least one user has made a
	5; Col. 1:30-2:46; 2:50-3:44; 3:54-58;	commitment of consideration: "a
	5:30-38; 5:51-6:26; 6:44-47; 7:62-10:36.	user has promised to pay for the
		selected game object"
	'445 File History: 11/10/05 Amendment	
	pp. 1-11; 5/20/05 Office Action, pp. 4-8;	consideration: see above
	12/30/05 Examiner's Reason's for	
	Allowance, pp. 1-7.	ordering the at least one selected
		game object without interrupting
	U.S. Patent Nos. 5,624,316 and 6,41,010	the gaming action of the at least one
		user: "ordering a game object without
	U.S. Patent App. 10/418,815, 3/4/10	causing or making a break in the
	Office Action at p. 3; 8/4/10 Response to	user's ability to continue playing the
	Office Action at pp. 8-9.	game"
	interrupting the gaming action of the	'445 Patent at Abstract, Fig2, Fig3,
	at least one user: see above	Fig 4, fig 4A, fig 5; col. 1:30-2:46;
		2:50-3:44; 3:54-58; 5:30-38; 5:51-
	supplying the selected one game object	6:26; 6:44-47; 7:62-10:36.
	to the at least one user without	
	interruption of the gaming action of	'445 Prosecution History, 9/26/00
	the at least one user: see above	Petition to Make Special, pp. 2-3;
		11/13/01 Reconsideration for Petition

Claim Language	Plaintiff	Defendants
	order of claim elements: There is no	to Make Special, pp. 2-4;
	requirement that steps need to be	6/17/02 Amendment & Response, p.
	performed in any order, except that, as a	10, 12; 6/17/02 Amendment &
	matter of common sense: (1) activity	Response, p. 10, 12; 3/18/03 Office
	must be tracked before there is an offer to	Action, pp. 4-5; 6/9/03 Appellant's
	purchase a game object dependent upon a	Brief, pp. 2-3; 9/4/03 Examiner's
	group of game parameters comprising the	Answer, pp.5-6; 9/7/04 Reply, pp.10-
	tracked activity; (2) an account must be	21; 11/12/04 Office Action, pp. 2, 5;
	created at or before it has a balance and	10/6/05 Examiner Interview
	before there is a determination of	Summary; 11/10/05 Amendment pp.
	sufficient consideration in an account to	1-11; 12/30/05 Examiner's Reason's
	purchase; (3) a purchase price for a game	for Allowance, pp. 1-7.
	object must be set before an offer to	
	purchase a game object can be presented	WEBSTER'S II NEW COLLEGE
	to a user dependent upon whether the	DICTIONARY (2001) "interrupt":
	user has made a commitment of	"1. To break the harmony or
	consideration to purchase the one	continuity of."
	selected game object; and (4) a game	
	object must exist at the time it is supplied	THE AMERICAN HERITAGE
	and incorporated into a game.	COLLEGE DICTIONARY (2000)
		"interrupt": "To break the
		continuity or uniformity of."
		WEBSTER'S COLLEGE
		DICTIONARY (1996) "interrupt":
		"1. to cause or make a break in
		the continuity or uniformity of (a
		course, process, condition, etc.)."

Claim Language	Plaintiff	Defendants
		U.S. Patent App. 10/418,815, 3/4/10 Office Action at p. 3; 8/4/10 Response to Office Action at pp. 8-9. interrupting the gaming action of the at least one user: see above supplying the selected one game object to the at least one user without interruption of the gaming action of the at least one user: see above order of claim elements: The claims require all the steps to be performed in order.
17. A method of managing the operation of a game which includes a game environment and is	gaming action: see above	gaming action: see above
programmed to control a gaming action of at least one of a plurality of users, said managing method	consideration: see above	consideration: see above
using a programmed computer to effect the following steps: a) tracking the activity of the at least one user in the course of the gaming action ; b) displaying in the game environment a plurality of game objects; c) creating an account for storing the consideration of the at least one user; d) permitting the at least one	creating an account for storing the consideration of the at least one user: "creating an account for storing a consideration balance of the at least one user" [Agreed.]	creating an account for storing the consideration of the at least one user: "creating an account for storing a consideration balance of the at least one user"

Claim Language	Plaintiff	Defendants
user to select one or more of the plurality of the	'445 Patent: Fig 1B, Fig2, Fig 3, fig 4,	'445 Patent at Abstract, Fig 1B, Fig2,
displayed game objects, each game object having a set	Fig 4A, Fig5; Col. 1:17-26; 1:30-2:46;	Fig 3, fig 4, Fig 4A, Fig5; col. 1:17-
price; e) determining if the at least one user has	2:60-3:25; 3:27-33; 3:45-64; 4:58-5:2;	26; 1:30-2:46; 2:60-3:25; 3:27-33;
sufficient consideration in its account to purchase the	5:13-17; 5:30-38; 6:27-54; 7:8-11; 7:42-	3:45-64; 4:58-5:2; 5:13-17; 5:30-38;
selected one game object and to provide an indication	44; 7:62-10:36, Claims 14, 16, 18, 19.	6:27-54; 7:8-11; 7:42-44; 7:62-10:36,
thereof; f) presenting to the at least one user an offer		Claims 14, 16, 18, 19.
to purchase the game object dependent upon a group	'445 File History: 11/10/05 Amendment	
of game parameters comprising the tracked activity of	pp. 1-11; 5/20/05 Office Action, pp. 4-8;	
the at least one user, and the indication that the one	12/30/05 Examiner's Reason's for	'445 FH 9/26/00 Petition to Make
user has sufficient consideration in its account to	Allowance, pp. 1-7.	Special, pp. 2-3; 11/13/01
purchase the selected game object at the set price; g)		Reconsideration for Petition to Make
permitting the at least one user to purchase the at	account: see above	Special, pp. 2-4; 6/17/02 Amendment
least one game object at the set price without		& Response, p. 10, 12;
interrupting the gaming action of the one user; and	purchase: see above	6/17/02 Amendment & Response, p.
h) supplying at least one purchased game object to		10, 12; 3/18/03 Office Action, pp. 4-5;
the at least one user without interrupting the	permitting the at least one user to	6/9/03 Appellant's Brief, pp. 2-3;
gaming action of the at least one user and	purchase the at least one game object .	9/4/03 Examiner's Answer, pp.5-6;
incorporating the game object into the game.	without interrupting the gaming	9/7/04 Reply, pp.10-21;
	action of the one user: see above	11/12/04 Office Action, pp. 2, 5
		10/6/05 Examiner Interview
	supplying the selected one game object	Summary; 11/10/05 Amendment pp.
	to the at least one user without	1-11; 12/30/05 Examiner's Reason's
	interruption of the gaming action of	for Allowance, pp. 1-7.
	the at least one user: see above	
		account: see above
	order of claim elements: There is no	
	requirement that steps need to be	purchase: see above
	performed in any order, except that, as a	

Claim Language	Plaintiff	Defendants
	matter of common sense: (1) activity	permitting the at least one user to
	must be tracked before there is an offer to	purchase the at least one game
	purchase a game object dependent upon a	object without interrupting the
	group of game parameters comprising the	gaming action of the one user: see
	tracked activity; (2) an account must be	above
	created before a determination of	
	sufficient consideration in an account to	supplying the selected one game
	purchase is made; (3) a purchase price	object to the at least one user
	for a game object must be set before an	without interruption of the gaming
	offer to purchase a game object can be	action of the at least one user: see
	presenting to a user dependent upon the	above
	indication that the one user has sufficient	
	consideration in its account to purchase	order of claim elements: The claims
	the selected game object at the set price,	require all the steps to be performed in
	or before permitting a user to purchase a	order.
	game object at a set price; and (4) a game	
	object must exist at the time it is supplied	
	and incorporated into a game.	
18. A method of claim 17, wherein there is included	gaming action: see above	gaming action: see above
the further steps of: a) testing the eligibility of the at		
least one user to participate in the gaming action ; and	purchase: see above	purchase: see above
b) said eligibility testing comprises the following sub		
steps: i) permitting the at least one user to select at	order of claim elements: See claim 17	order of claim elements: The claims
least one of a plurality of game objects, ii) setting the	above. As for claim 18, there is no	require all the steps to be performed in
purchase price of the at least one game object, and iii)	requirement that steps need to be	order.
comparing the committed consideration with the set	performed in any order, except that, as a	
price of the at least one game object and, if the	matter of common sense: (1) a game	

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Claim Language	Plaintiff	Defendants
committed consideration is not less than the set price,	object must exist before it is selected;	
permitting the at least one user to participate in the	and (2) a purchase price must be set	
gaming action.	before it can be compared to the	
	committed consideration.	
	GameTek reserves the right to refer to all	
	intrinsic evidence cited by Defendants,	
	including the office action responses and	
	interviews cited and the office actions	
	that prompted them, including to rebut	
	Defendants' positions on why those	
	office action responses and interviews	
	once they are articulated.	